

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

ROBERTO PERALTA,  
Petitioner

v.

JOHN ASHCROFT,  
ATTORNEY GENERAL  
OF THE UNITED STATES, et al.,  
Respondents.

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Case No. 3:04 CV 1270 (CFD)

**RULING ON RESPONDENTS' MOTION TO TRANSFER**

Petitioner Roberto Peralta filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 in this Court, seeking to enjoin his final administrative order of removal from the United States. Peralta claims that his original immigration judge and then the Board of Immigration Appeals unfairly denied him relief from removal under former § 212(c) of the Immigration and Nationality Act ("INA") and cancellation of removal under current § 240(a) of the INA.

On May 11, 2005, Congress amended the Immigration and Nationality Act by the "Real ID Act of 2005." Among those statutory amendments are new procedures for judicial review of orders of removal. Petitioners seeking review of final orders of removal, whether through standard petitions for review of final orders of removal issued by the Board of Immigration Appeals or through writs of habeas corpus (28 U.S.C. § 2241), must now file such petitions directly with the Circuit Courts of Appeals. 8 U.S.C. §§ 1252(b)(2) and (b)(9), Pub. L. 109-13, 119 Stat. 311. The Real ID Act's transitional rules provide that if an otherwise-qualifying case "is pending in a district court on the date of the enactment of this division, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation, or

exclusion) to the court of appeals for the circuit ...” See Transfer of Habeas Corpus Cases Pending in the District Courts on May 11, 2005. Pub. L. 109-113, 119 Stat. 311. Pursuant to these rules, the respondents have moved to transfer this case to the United States Court of Appeals for the Second Circuit. See Doc. #19. The petitioner has not filed any objection to such a transfer.

Accordingly, the Respondents’ Motion to Transfer [Doc. #19] is GRANTED, and the Clerk is directed to transfer this case to the Second Circuit Court of Appeals.

So ordered this \_2nd\_ day of May 2006 at Hartford, Connecticut.

/s/ CFD  
**CHRISTOPHER F. DRONEY**  
**UNITED STATES DISTRICT JUDGE**